

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

JUN 30 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte THOMAS B. HALL  
and  
WALTER BURT

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Application 09/607,162

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 4, 2003, appellants filed a Notice of Appeal "from the last decision of the examiner." The "Status of Claims" section located on page 1 of the Appeal Brief filed March 12, 2004 states that "[c]laims 1-20 are pending in this application." The "Status of Claims" section appearing on page 2

of the Examiner's Answer mailed April 21, 2004 states that "[t]he statement of the status of the claims contained in the brief is correct." However, the "Grounds of Rejection" appearing on page 4 of the Examiner's Answer states:

Claims 1-4, 6 and 12 are rejected under 35 U.S.C. 102(e) by Cave U.S. Patent 4,841,438, claims 5, 7-10 and 14-16 are rejected under 35 U.S.C. 103(a) over Cave in view of Kennedy and claims 17-20 are rejected under 35 U.S.C. 103(a) over Cave in view of Eller. This rejection is set forth in prior Office Action, Paper No. 12 [Final Rejection].

It should be noted that the Final Rejection mailed April 30, 2003 and the Examiner's Answer mailed April 21, 2004, do not appear to discuss the rejection of claims 11 and 13. Appropriate correction is required.

In addition, section 707.08 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 1, Feb. 2003) states:

707.08 Reviewing and Initialing by Assistant Examiner

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action . . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the

examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials . . . .

The Examiner's Action mailed April 21, 2004 is deficient in that there is no signature or initials for Chante Harrison.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for a determination regarding the status of claims 11 and 13;
- 2) for taking corrective action regarding the signature or initials for Chante Harrison;
- 3) for written notification to appellants regarding the action taken; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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